

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Fischer et al.	Art Unit	: 3695
Serial No.	: 10/733,251	Examiner	: Ryan D. Donlon
Filed	: December 12, 2003	Conf. No.	: 8670
Title	: UNEMPLOYMENT INSURANCE MANAGEMENT		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Applicants hereby request reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced application. Reconsideration of the PTA calculation to increase total PTA from 1,336 days to 1,412 days is respectfully requested.

REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

PTO Delay

A first PTO action was due on or before February 12, 2005 (the date that is fourteen months after December 12, 2003, the date on which the application was filed). The Office mailed the first non-final Office Action on January 29, 2009, thereby according a PTO Delay of 1,447 days. Applicants do not dispute the Office's calculation for this PTO Delay from February 13, 2005 (the day after the date that is fourteen months after the date on which the application was filed), to January 29, 2009. See 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1).

A PTO action was due on or before November 15, 2010 (the date that is four months after July 15, 2010, the date on which a response to Office Action was filed). The PTO mailed a Notice of Allowance Action on February 22, 2011, thereby according a PTO Delay of 99 days. Applicants do not dispute the PTO's calculation for this PTO Delay from November 16, 2010 (the day after the date that is four months after the date on which a response to Office Action was filed), to February 22, 2011. See 37 C.F.R. §§ 1.702(a)(2) and 1.703(a)(2).

In view of the periods of PTO Delay detailed above, the total PTO Delay for this application should be calculated as 1,546 days (i.e., the sum of 1447 days and 99 days).

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: May 10, 2011.

Applicant Delay

A Notice of Non-Compliant Amendment was mailed by the PTO on June 2, 2009, subsequent to a response filed by Applicants on April 29, 2009. Applicants filed a response to the Notice of Non-Compliant Amendment on June 10, 2009, thereby according an Applicant Delay of 42 days. Applicants do not dispute the PTO's calculation for this Applicant Delay from April 30, 2009, to June 10, 2009. See 37 C.F.R. § 1.704(c)(7).

Applicants filed a Supplemental Reply on September 15, 2010, subsequent to a reply filed on July 15, 2010. Applicants were accorded a delay of 62 days for a supplemental response. Applicants do not dispute the PTO's calculation for this Applicant Delay from July 16, 2010, to September 15, 2010. See 37 C.F.R. § 1.704(c)(8).

Applicants filed a Supplemental Reply on October 15, 2010, subsequent to a reply filed on September 15, 2010. Applicants were accorded a delay of 30 days for a supplemental response. Applicants do not dispute the PTO's calculation for this Applicant Delay from September 16, 2010, to October 15, 2010. See 37 C.F.R. § 1.704(c)(8).

Applicants filed a Supplemental Reply on December 30, 2010, subsequent to a reply filed on October 15, 2010. Applicants were accorded a delay of 76 days for this submission, ostensibly under 37 C.F.R. § 1.704(c)(8), as the period of time between October 16, 2010, and December 30, 2010, equals 76 days. In Remarks filed along with the Supplemental Reply, Applicants note "Examiner Donlon requested this amendment to address some concerns he had regarding the support for previously pending claim 149." Applicants respectfully submit that the filing of the Supplemental Reply on December 30, 2010, was, in fact, a reply expressly requested by the examiner under 37 C.F.R. § 1.704(c)(8). Therefore, Applicants respectfully request that the calculation of 76 days of Applicant Delay be decreased to 0 days. Id.

In view of the periods of Applicant Delay detailed above, the total Applicant Delay for this application should be calculated as 134 days (i.e., the sum of 42 days, 62 days, 30 days, and 0 days).

Conclusion

In consideration of the events described above, Applicants believe the PTA calculation of 1,336 days is incorrect. Accordingly, Applicants respectfully request reconsideration of the PTA in the following manner:

- 1) Total PTO Delay should be calculated as 1,546 days;
- 2) Total Applicant Delay should be calculated as 134 days; and
- 3) Total PTA should be calculated as 1,412 days.

The fee of \$200 required under 37 C.F.R. § 1.18(e) is being submitted herewith. Please apply any other required charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 12587-0040001.

Respectfully submitted,

Date: 5-10-11

/Roberto J. Devoto /
Roberto J. Devoto
Reg. No. 55,108

Fish & Richardson P.C.
PTO Customer No. 26212
Telephone: (212) 783-5070
Facsimile: (877) 769-7945